



IRA A. JACKSON
COMMISSIONER

The Commonwealth of Massachusetts

Department of Revenue

Lowell Saltonstall Building,

100 Cambridge Street, Boston 02204

July 7, 1983

("Company") operates several retail department stores in Massachusetts. It contracts with printers for the printing of advertising circulars that are inserted into newspapers. The names of the newspapers in which the circulars are inserted are printed on the circulars. You inquire whether such identification of the newspapers on the circulars is a prerequisite to their exemption from the sales tax.

You state that the Company also engages printers to print advertising circulars that are distributed directly to homes, rather than inserted into newspapers.

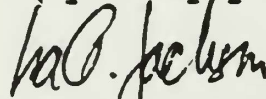
General Laws Chapter 64H, Section 6(m) sets forth an exemption from the sales tax for sales of newspapers. In Sears, Roebuck & Co. v. State Tax Commission, 370 Mass. 127 (1976), the Supreme Judicial Court held that this exemption applies to purchases by a retailer of advertising supplements from a printer for insertion into newspapers.

Based on the foregoing, it is ruled that the sale by a printer of advertising circulars for insertion into newspapers is exempt from the sales tax whether or not the names of the newspapers in which the circulars are inserted are printed on the circulars.

July 7, 1983

The Company must pay the sales tax on its purchases of advertising circulars that are not supplements to newspapers, and it must maintain records sufficient to establish which of its purchases of printed material are taxable and which are exempt.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. O. Jackson", written over the typed name of the Commissioner of Revenue.

Commissioner of Revenue

IAJ:JXD:mf

LR 83-64